

*Breant, J.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS P. SOBIECH, ROBIN SOBIECH,  
NICHRS CORPORATION, PINE ISLAND  
GROUP, INC., GOTHAM RENOVATION  
GROUP, INC., ORANGE COUNTY TRUST  
COMPANY, JOSEPH WU, SHARYLAND L.P.,  
d/b/a PLANTATION PRODUCE COMPANY,  
M&M PACKAGING, INC., MELLON BANK,  
UNITED PENN BANK, PIETRZAK & PAU  
ENGINEERING & SURVEYING, PLLC, JOHN  
DOES NOS. 1-10 and JANE DOES NOS. 1-10,

Defendants.  
----- X

ECF CASE

STIPULATION AND  
ORDER OF PARTIAL DISMISSAL

07 Civ. 6335 (CLB) (LMS)

*As to  
Pine Island Group,  
Gotham Renovation  
and Joseph Wu and  
Joseph Wu's counterclaim  
against USA*

WHEREAS, plaintiff United States of America (the "United States" or the  
"Government") filed a complaint in this action on July 11, 2007, seeking to foreclose on property  
owned by Thomas and/or Robin Sobiech that was pledged as collateral for a series of loans made  
by the United States;

WHEREAS, two parcels of the afore-mentioned property ("Section 3, Block 1,  
Lot 44" and "Section 3, Block 1, Lot 43") were the subject of a foreclosure action brought by  
defendant Pine Island Group, Inc. ("Pine Island Group"), Pine Island Group, Inc. v. Thomas  
Sobiech, the United States of America acting through the United States Department of  
Agriculture, and People of the State of New York, Index No. 6965-2000, Supreme Court, Orange  
County, New York (the "Pine Island Foreclosure Action");

WHEREAS, the Pine Island Foreclosure Action sought to foreclose upon a mortgage lien granted by Thomas Sobiech, which mortgage was recorded in the Orange County Clerk's Office on November 28, 1997, in Liber 6388 of Mortgages at Page 232;

WHEREAS, the Government's interest in Section 3, Block 1, Lot 44 and Section 3, Block 1, Lot 43 derives from a mortgage granted by Thomas Sobiech, Robin Sobiech, and Thomas P. Sobiech d/b/a Nichris Corporation, which mortgage was recorded in the Orange County Clerk's Office on September 27, 2000, in Liber 7993 of Mortgages at Page 291;

WHEREAS, as a result of the Pine Island Foreclosure Action, Section 3, Block 1, Lot 44 was sold at auction to Pine Island Group;

WHEREAS, as a result of the Pine Island Foreclosure Action, Section 3, Block 1, Lot 43 was sold at auction to defendant Gotham Renovation Group, Inc. ("Gotham Renovation");

WHEREAS, as a result of the auction sale held in the Pine Island Foreclosure Action, the Government's liens in Section 3, Block 1, Lot 43 and Section 3, Block 1, Lot 44 were extinguished;

WHEREAS, Pine Island Group, Gotham Renovation, and Joseph Wu were named as defendants in the instant action because they had or claimed an interest in Section 3, Block 1, Lot 44 and/or Section 3, Block 1, Lot 43;

WHEREAS, Gotham Renovation answered the complaint in this action on September 4, 2007;

WHEREAS, Joseph Wu answered the complaint in this action on September 21, 2007 and asserted a counter-claim against the United States;

WHEREAS, Pine Island Group filed a notice of bankruptcy in this action on August 24, 2007; and

WHEREAS, the Government intends to file an amended complaint (a copy of which is attached as Exhibit A) reflecting that Pine Island Group, Gotham Renovation, and Joseph Wu are no longer necessary parties to this action;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. The United States's claims against Pine Island Group, Gotham Renovation, and Joseph Wu are hereby dismissed pursuant to Fed. R. Civ. P. 41(a)(2) with prejudice and without attorneys' fees, costs, or disbursements to any party.
2. Joseph Wu's counterclaim against the United States is hereby dismissed pursuant to Fed. R. Civ. P. 41(a)(2) with prejudice and without attorneys' fees, costs, or disbursements to any party.
3. This Stipulation and Order of Partial Dismissal may be executed in counterparts.

Dated: Goshen, New York  
November 7, 2007



---

MICHAEL D. PINSKY, ESQ.  
Attorney for Gotham Renovation and  
Pine Island Group  
211 Main Street, Post Office Box 148  
Goshen, NY 10924-0148  
Tel.: (845) 294-5123  
Fax: (845) 294-9384

Dated: Walden, New York  
November \_\_, 2007

JACOBOWITZ AND GUBITS LLP  
Attorneys for Joseph Wu

By:

\_\_\_\_\_  
MICHAEL L. CAREY, ESQ.  
158 Orange Avenue, P.O. Box 367  
Walden, New York 12586  
Tel.: (845) 778-2121  
Fax: (845) 778-5173

Dated: New York, New York  
November \_\_, 2007

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York,  
Attorney for the United States

By:

\_\_\_\_\_  
KRISTIN L. VASSALLO  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel. (212) 637-2822  
Fax: (212) 637-2730


SO ORDERED:

\_\_\_\_\_  
THE HONORABLE CHARLES L. BRIANT  
UNITED STATES DISTRICT JUDGE

Dated: Walden, New York  
November 9, 2007

JACOBOWITZ AND GUBITS LLP  
Attorneys for Joseph Wu

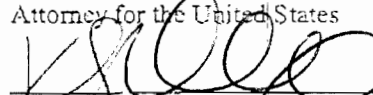
By:

  
MICHAEL L. CAREY, ESQ.  
158 Orange Avenue, P.O. Box 367  
Walden, New York 12586  
Tel.: (845) 778-2121  
Fax: (845) 778-5173

Dated: New York, New York  
November 9, 2007

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York,  
Attorney for the United States

By:

  
KRISTIN L. VASSALLO  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel. (212) 637-2822  
Fax: (212) 637-2730

SO ORDERED:

  
THE HONORABLE CHARLES L. BRIANT  
UNITED STATES DISTRICT JUDGE

*dated: November 14, 2007*